

# In the Supreme Court of the United States

OCTOBER TERM, 1924

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THE UNITED STATES, PETITIONER

v.

O. B. FISH

} No. 653

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ON WRIT OF CERTIORARI TO THE UNITED STATES COURT  
OF CUSTOMS APPEALS

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## MOTION BY THE UNITED STATES TO ADVANCE

The Solicitor General moves to advance the above-entitled case for hearing at the earliest date convenient to the Court. For the reasons given below, it is respectfully suggested that, if possible, the case be set for some date during the present term.

This case is here upon writ of certiorari and presents the important question whether the Court of Customs Appeals has jurisdiction to entertain appeals from decisions of the Board of General Appraisers granting or denying petitions for the remission of additional duties filed under Section 489 of the Tariff Act of 1922 (42 Stat. 858, c. 356).

Up to the time the Government filed its petition for writ of certiorari in this case (September last), some 1,900 petitions for remission of additional duties under Section 489, *supra*, had been filed with

the Board of General Appraisers. Of these over 1,200 were then pending undetermined. In a number of cases appeals have been taken to the Court of Customs Appeals. Decision of these appeals has been suspended by that court pending the determination of the jurisdictional question by this tribunal. A similar course will presumably avail as to future appeals.

To the end that the docket of the Court of Customs Appeals may be speedily relieved of this congestion, and that litigants may be promptly advised concerning the appealability to that court of cases like the present, it is respectfully urged that the hearing of this case be advanced.

Opposing counsel concur.

JAMES M. BECK,  
*Solicitor General.*

JANUARY, 1925.



